

PTO/SB/21 (02-04)

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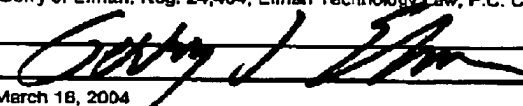
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/043,830	
	Filing Date	29 October 2001	
	First Named Inventor	Dolgoff	
	Art Unit	2873	
	Examiner Name	Sugaman	
Total Number of Pages in This Submission	42	Attorney Docket Number	3DS1.032


ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

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MAR 16 2004

OFFICIAL

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gerry J. Elman, Reg. 24,404, Elman Technology Law, P.C. Customer no. 003775
Signature	
Date	March 18, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Gerry J. Elman
Signature	
Date	March 16, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 65.00**Complete if Known**

Application Number	10/045,830
Filing Date	29 October 2001
First Named Inventor	Dolgoff
Examiner Name	Sugerman
Art Unit	2873
Attorney Docket No.	3DS1.032

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 05-0845

Deposit Account Name: Elman Technology Law, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: - 20** = X =

Independent Claims: - 3** = X =

Multiple Dependent: =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		

*For number previously paid, if greater; For Reissued, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 85	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	55.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1808 770	2808 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type) Gerry J. Elman

Signature

Registration No.

24,404

Examiner/Agent

(Complete if applicable)

Telephone 610-892-8942

Date

March 16, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re U.S. Patent Application No.: 10/045,830
Applicant: DOLGOFF, Eugene
For: Three-Dimensional Display System
Filed: 29 October 2001
Atty Docket 3DS1.032

Official Fax 703-872-9306
Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

FOR FORMAL ENTRY
RESPONSE 1

This is a response to the Examiner's Action of January 16, 2004.

A shortened statutory period for reply of one month was set. This response is being submitted two months after the date of the Action. Accordingly a one-month extension is respectfully requested, and the extension fee is submitted herewith.

The Action requires restriction under 35 U.S.C. § 121. The Examiner identifies two groups of claims. Group I constitutes claims 1-7. The Examiner characterizes these claims as being drawn to an image display system having a composite image source, a second image source, and a beamcombiner, classified in class 359, subclass 630. Group II constitutes claims 8-15. The Examiner characterizes these claims as being drawn to a method of displaying a three-dimensional scene, classified in class 345, subclass 32.

The Examiner states that the inventions are related as product [Group I] and process of use [Group II]. The Examiner cites MPEP 806.05(h). The Examiner points out that the claims of Group II do not recite a beamcombiner. Accordingly the Examiner concludes that the inventions are distinct and requires restriction between the two groups of claims.

Applicant elects the claims of Group I, with traverse.

Applicant and his attorney appreciatively acknowledge the Examiner's courtesy in conducting a telephone interview on March 15, 2004. At the interview, Applicant's attorney informed the Examiner that an Information Disclosure Statement would be submitted promptly, disclosing certain U.S.

Response 1, Page 2
Serial No. 10/045,830

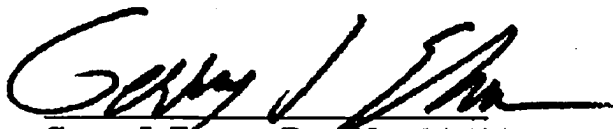
patents, a Japanese patent, and a technical article, of which Applicant was aware.

In support of the traversal of the restriction requirement, Applicant explained that he considers the claims to define a single invention. In effect, the claims of Group II define a method, and the claims of Group I define apparatus particularly adapted to perform the method of the claims of Group II. The fact that the claims for apparatus recite a particular element that is not recited in the method claims, namely a beamcombiner, does not detract from the unity of the inventive concept.

Applicant accordingly submits that Claims 1-15 do not claim two or more "independent and distinct" inventions, as that term is used in 35 U.S.C. § 121 and thus, that they should not be required to be restricted.

Respectfully submitted,

Date: March 16, 2004



Gerry J. Elman, Reg. No., 24,404
Customer No. 003775
Elman Technology Law, P.C.